

FILED

UNITED STATES COURT OF APPEALS

NOV 04 2008

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: BILLY RAY CARTER.

No. 08-74154

BILLY RAY CARTER,

D.C. No. 4:08-CV-02795-SBA
Northern District of California,
Oakland

Petitioner,

ORDER

v.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF
CALIFORNIA,

Respondent,

ED FOULK,

Real Party in Interest.

Before: TROTT, GOULD and TALLMAN, Circuit Judges.

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. United States Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

KS/MOATT

No motions for reconsideration, modification, or clarification of this order shall be filed or entertained.